IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
CIVIL APPLICATION NO.2117 OF 2005
IN
SECOND APPEAL NO.239 OF 1991

Krishna Subarao Suryavanshi
since deceased through his Legal
Heirs:

A. Smt.Sharada Krishna Suryavanshi
and ors. Applicants

Vs.

Shivaji Subhana Nandavadekar & ors. Respondents

Mr.S.M.Kamble h/f. Mr.Ashok P. Mundargi for applicants.
Mr.V.S.Kapse h/f Mr.S.L.Kapse for Resp.Nos.1 to 4.
Respndent No.6 absent, though served.

CORAM: B.H.MARLAPALLE,J.

December 15, 2005.

P.C.

1. The appellant in Second Appeal No.239 of 1991 expired on 28-12-2002 and, therefore, the LRs. have filed Civil Application No.2116 of 2005 for being impleaded as the appellants in place of the original appellant - Krishna Suryavanshi. However, there is a delay in filing the application to bring the LRs on record. Hence this application for condonation of the delay.

2. As per the office note the delay caused is of one year and 151 days. The reason for delay is stated to be ignorance and the applicants got the knowledge to apply to this Court only after they heard from the learned Advocate. These reasons by themselves do not make out a case to condone the delay. However, taking into consideration the fact that the Second Appeal has been admitted and has been pending for the last more than 14 years, it is required to be decided on merits. Hence, there is a case to condone the delay by imposing costs.

3. The application is, therefore, allowed and the delay is condoned subject to payment of costs quantified at Rs.500/- and to be remitted to the Maharashtra State Legal Services Authority within a period of two weeks from today.

(B.H.MARLAPALLE,J.)